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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,319	12/11/2000	Peter Himmelsbach	BEIERSDORF67	7230

7590 11/25/2002  
Norris McLaughlin & Marcus  
220 East 42nd Street 30th floor  
New York, NY 10017

EXAMINER  
SALVATORE, LYND A

ART UNIT	PAPER NUMBER
1771	10

DATE MAILED: 11/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/719,319

Applicant(s)

Examiner

Lynda M Salvatore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of claims 1-18 in Paper No. 9 is acknowledged. The requirement for restriction has been withdrawn on the grounds that this application is a 371 PCT. For a restriction to be proper in a 371 application, a lack of unity between the groups of claims needs to exist. Since the claims of the present invention do not lack of unity invention the requirement for restriction is improper and therefore is withdrawn.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Objections***

3. Claims 1,7,8,10 and 12 are objected to because of the following informalities:

a) Claim 1 is objected to for the use of "a1" and "a2" to denote the process steps.

Additionally, there is punctuation missing from the end of line 6 after the word "and".

### ***Claim Rejections - 35 USC § 112***

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4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-5, 7,8-12,15,16,20,21, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 5,6,13,14, and 17-19 are further rejected for their dependency on claim 1.
6. Claim 1 is indefinite because it is not understood by the Examiner if "a1" and "a2" are separate process steps or steps within "a". In addition, claim 1 is further indefinite because it is unclear to the Examiner if the Applicant is coating the backing material with domes or polygeometric structural forms or a self-adhesive composition in the shape of domes and/or polygeometric structural forms. Also, it is unclear as to what is meant by "permanent deformation" and how it may occur. Are the domes or polygeometric structural forms "permanently deformed" upon application or is there some pressure means which mechanically deforms the domes or polygeometric structural forms? For purposes of examination claim 1 will be construed to mean a backing material comprising a self-adhesive coating composition, said self-adhesive coating is applied in the form of domes or polygeometric structures, wherein at least some of the adhesive domes or polygeometric structures are applied permanently deformed.
7. Claim 2 is indefinite because it is unclear to the Examiner what is meant by the phrase "domes, polygeometric structural forms or of both of them". Does the Applicant intend to apply the self-adhesive coating in the form of domes and/or polygeometric structural forms or are the

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polygeometrical structural forms domes? Also, are the self-adhesive domes and/or polygeometric forms applied in a deformed state?

8. Claim 3 is indefinite because it is unclear to the Examiner as set forth in paragraph 7 of this Office Action. Claim 3 is further indefinite because it is not understood what is meant by "permanently deformed to an extent such that a closed surface is formed or the domes or polygeometric structural forms or both are connected to one another or to each other at least partially by means of lines" (i.e., a closed surface). It is unclear to the Examiner if the structural forms (i.e., domes or polygeometric shapes) are "deformed" such that the adhesive becomes a uniform layer (i.e., having no discernable shape) or how the structural forms may be "deformed" such that they are connected by "lines". It is also unclear to the Examiner what constitutes the connection lines. In other words, are the connection lines formed with adhesive or is there some other connection means? Also it is not understood, how the structural forms could be "partially" connected and the phrase "connected to one another or to each other" is redundant.

9. Claim 4 is indefinite because of reasons set forth in paragraph 7 of this Office Action and is further indefinite because it is unclear to the Examiner what the Applicant means by "secondary energy".

10. Claim 5 is indefinite because it is unclear to the Examiner what the Applicant means by the "nozzle process".

11. Claim 7 is indefinite because it is unclear to the Examiner how the "backing material" is a "roller". Does the Applicant intend to wind the "backing material" on a roller? It is also unclear how the "backing material" could be an adhesive belt. In this instance, does the Applicant intend for the "backing material" to function as a belt?

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12. Claim 8 is indefinite because claim 7 recites a process not an apparatus. It is also unclear to the Examiner what the Applicant means by "wherein the abhesive properties of the surface of the roller are matched". Claim 7 does not recite an abhesive roller, therefore it is unclear as to what properties are "matched" and to where and what. Moreover, claim 7 recites the limitation of "thermally conditioned roller" in line 3. There is insufficient antecedent basis for this limitation in the claim.
13. Claim 10 recites the limitation of "the domes polygeometric structure forms" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim. Claim 10 also recites the limitation of "adhesive roller" in line 5. There is insufficient antecedent basis for this limitation in the claim. It is further unclear as to what is applied with a pressing force, the "pickup roller", the "abhesive roller" or "abhesive belt".
14. Claim 12 recites the limitation of "adhesive belt" in line 3. There is insufficient antecedent basis for this limitation in the claim. The Examiner notes that Applicant defines "deflection devices" on page 11, lines 1-3 of the specification as rollers.
15. Claim 15 is further indefinite because it is unclear as to what is meant by "profile of viscoleastic properties".
16. Claim 18 is indefinite because it is unclear to the Examiner what the Applicant means by the phrase "bond strength on steel to the reverse face of the backing".
17. Claims 19 and 20 are indefinite because it is unclear to the Examiner how the Applicant defines "medical fixings".
18. Claim 21 is indefinite because it is unclear to the Examiner how the Applicant defines "industrial and reversible fixings".

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19. Claim 22 is indefinite because it is unclear to the Examiner what is meant by “technically” permanent bonds and how such “permanent” bonds can be separated with only partial splitting of the substrate. In other words, if the bond can be separated then how can it be “technically permanent”? Furthermore, claim 22 also recites the limitation of “substrate” in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

21. Claims 1-22 are rejected under 35 U.S.C. 102(a) as being anticipated by Himmelsbach et al., EP 0 826 380 A2.

The European Patent issued to Himmelsbach et al., teaches applying to a backing material a partial coating of a pressure sensitive hot melt adhesive (Page 6, 14-20). Suitable application methods include halftone printing, thermal screen printing or intaglio printing (Page 6, 14-20). With regard to claim 3, Himmelsbach et al., discloses in the prior art that intaglio printing provides lines that interconnect in the longitudinal and transverse direction (Page 2, 30-37). The pressure sensitive adhesive may be applied in the form of polygeometric domes (Page 6, 30-33). With respect to the “permanent deformation” limitation, Himmelsbach et al., teaches that the adhesive may be applied uniformly over the backing material or the coated backing material may be subjected to calendaring, which would inherently deform any pre-determined

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shape (Page 7, 1-9 and Page 10, 10-12). The hot melt adhesive composition may also be sprayed on to have a more or less irregular pattern or may vary in thickness or density (Page 7, 1-9). In addition, Himmelsbach et al., further teaches that the hot-melt adhesive composition can be applied directly to the backing material or may be first applied to an auxiliary support and then to the backing (Page 10, 6-11). The adhesive composition may be applied to the backing material with a weight per unit area of more  $15\text{g/m}^2$  (Page 9, 1-6). Himmelsbach et al., teaches that the percentage of the surface area coated with the hot melt adhesive should range from at least 20% up to about 95% (Page 9, 8-14). The adhesive backing material may exhibit bond strength to the reverse of the backing of at least  $1.5\text{ N/cm}$  and the ratio of viscous component to the elastic component at frequency of  $100\text{ rad/s}$  is greater than .7 (Page 6, 4-11 and Page 9, 15-18). Himmelsbach et al., teaches that adhesive coated backing material can be covered after application or provided with a wound pad or with padding (Page 10, 35-39). The adhesive coated backing material is suitable for use as medical fixings, wound covers, various bandages, as well as reversible technical fixings (Page 11, 11-25). With regard to claim 13, Himmelsbach et al., teaches that the backing materials can be pre-treated by calendaring or punching and covering which would produce a random or regular three-dimensional surface (Page 10, 14-25). With regard to claim 15, Himmelsbach et al., teaches that it is possible to obtain the desired profile properties of the coating by having the coating temperature greater than then softening temperature (Page 8, 29- Page 9, 18). With regard to the specific rollers, belts, and deflection devices, the prior art of record discloses the same methods as the Applicant. Therefore, it is reasonable to assume that these techniques would include the standard set of devices and equipment. In addition, since there are numerous 112 2<sup>nd</sup> paragraph rejections these limitations



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are not necessarily given weight patentable weight at this time. The burden is upon the Applicant to clarify the scope of the present invention. No new matter should be added.


*Conclusion*

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 703-305-4070. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Is  
November 18, 2002

  
CHERYL A. JUSKA  
PRIMARY EXAMINER